

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ALVARO MACOTO CUAUTLE,  
Plaintiff,  
-against-  
191 AVENUE A INC., et al.,  
Defendants.

23-cv-6028 (AS)

ORDER

ARUN SUBRAMANIAN, United States District Judge:

The complaint in this case was filed on July 7, 2023, Dkt. 1. The individual defendants are proceeding pro se. One individual defendant filed an answer on August 7, 2023, Dkt. 16. The Court has held conferences on November 20, 2023, December 13, 2023, and February 8, 2024. The first two conferences were held by phone, the third was in person. The individual defendants participated in the first conference, but they have failed to attend any other conference.

As discussed on the record at the February 8 conference, both Plaintiff's counsel and the Court made numerous efforts to contact defendants, to no avail. The individual defendants had sent a text message to Plaintiff's counsel saying they were "busy," so they would call in to the conference. The Court never approved a remote appearance, but the individual defendants did not attempt to call in to the conference, and they ignored the Court's phone calls.

Because the individual defendants have filed an (albeit procedurally deficient) answer, the Court will permit a discovery period of 60 days. The individual defendants are **required by law** to cooperate in discovery. *See Fed. R. Civ. P. 26(b).* They will likely be required to turn over documents, sit for depositions, and provide other information. Their failure to cooperate in discovery could subject them to sanctions, including contempt or a default judgment (essentially meaning the defendants **automatically lose** the case). Fed. R. Civ. P. 37(b)(2).

Discovery will close on April 8, 2024, and the summary-judgment deadline will be April 10, 2024.

The Court will hold a follow-up conference at **1:00 p.m. on March 7, 2024**. All parties **must attend in person**. It will be held in Courtroom 15A of the Moynihan Courthouse, 500 Pearl St., New York, NY 10007. **Failure to attend will result in sanctions not less than \$500**. Plaintiff's counsel should submit a letter updating the Court on the status of the case by March 5, 2024.

The Clerk of Court is directed to mail a copy of this order to the individual defendants at the address on the docket.

SO ORDERED.

Dated: February 8, 2024  
New York, New York



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ARUN SUBRAMANIAN  
United States District Judge